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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,808	05/12/2005	Alexis S R Ashley	GB 020193	5610

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EXAMINER	
CHAI, LONGBIT	
ART UNIT	**PAPER NUMBER**
2431	

MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,808	ASHLEY, ALEXIS S R	
	Examiner	Art Unit	
	LONGBIT CHAI	2431	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 June 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-15* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 May 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/2/2009 has been entered.

Response to Argument

1. Applicant's arguments with respect to the subject matter of the instant claims have been fully considered but are not persuasive.

2. As per claim 1 and 9, Applicant asserts (a) prior-art does not teach that the privacy policy identifying the usage data sought to be harvested and an intended use for the usage data and (b) see usage data as defined in SPEC page 1 / line 5 – 19. Examiner respectfully disagrees because Examiner notes the user's "Capabilities and Preference Information"(CPI), as taught by Nilsson (Para [0005]) constitutes a part of usage data in accordance with the *common meaning* of this term and besides, only minimal privacy information is provided to the origin server about a user (Nilsson: Para [0014] / Last sentence) – This is also consistent with the disclosure of the instant specification indicating *the usage data is defined in the privacy policy* (SPEC: Page 1 / Line 30 – 31). Besides, Examiner note the user receives and accepts the origin servers privacy policy as Nilsson teaches "if the user or user agent accepts the origin servers privacy policy, the Capabilities and Preference Information"(CPI) may be transmitted to

the origin server (Nilsson: Para [0015] Line 6 – 8) and only minimal privacy information is provided to the origin server about a user (Nilsson: Para [0014] Last sentence) and as such Applicant's arguments are respectfully traversed.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Nilsson et al. (U.S. Patent 2003/0041100).

As per claim 1 and 9, Nilsson teaches a method of harvesting usage data from a receiver configured to detect and store such usage data (Nilsson: Para [0005], Para [0006] and Para [0015] Line 6 – 8: (a) the user receives and accepts the origin servers privacy policy and (b) personal usage profile is stored at the user side and communicated to the origin web site / server), comprising:

at said receiver (see above),

receiving a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data (Nilsson : Para [0005], Para [0015] Line 6 – 8, Para [0006] Line 5 – 8 Para [0027] and Para [0014] Last sentence: (a) the user's "Capabilities and Preference Information"(CPI), as taught by Nilsson (Para [0005]) constitutes a part of usage

data in accordance with the *common meaning* of this term and besides, only minimal privacy information is provided to the origin server about a user (Nilsson: Para [0014] / Last sentence) – This is also consistent with the disclosure of the instant specification indicating *the usage data is defined in the privacy policy* (SPEC: Page 1 / Line 30 – 31) and (b) the user or user agent accepts the origin servers privacy policy, the CPI may be transmitted to the origin server where only minimal privacy information is provided to the origin server about a user);

at said receiver determining whether a received privacy policy is acceptable (Para [0006] Line 5 – 8 : by comparing between the privacy policy of the server and the privacy preference of the user); and

if acceptable, selecting from the receiver's store the usage data identified in the privacy policy and transmitting the usage data to the sender of the privacy policy (Para [0015] Line 6 – 10 and Para [0014] Last sentence: transmitted back to the original web site / server).

4. Claims 1 – 7 and 9 – 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Koike et al. (U.S. Patent 2003/0084300).

As per claim 1 and 9, Koike teaches a method of harvesting usage data from a receiver (Koike: Para [0030] and Para [0013] Line 1 – 4) configured to detect and store such usage data (Koike: Para [0036] Line 6 and [0046] – [0049]: privacy reference and direct identifier are part of the usage data, which also consistent with the disclosure of the instant specification indicating *the usage data is defined in the privacy policy* (SPEC: Page 1 / Line 30 – 31)), comprising:

at said receiver (Figure 1: relatively with respect to the server, the privacy data administrator and the terminal device constitute parts of the receiver that receive the data / policy from the server),

receiving a privacy policy identifying the usage data sought to be harvested and an intended use for the usage data (Koike : Para [0036] Line 4 – 5, Para [0032] Line 3 – 4 and Para [0013] Line 3 – 4 & Figure 1 / Element 100 and 120: (a) relatively with respect to the server, the privacy data administrator and the terminal device constitute parts of the receiver that receive the data / policy from the server including not only the broadcasting information such as the service / program data but also the privacy policy data from a broadcasting server (Koike: Figure 1 / Element 100 and 120) and (b) the purpose of collecting usage data constitutes "an intended use for the usage data" to meet the claim language (Koike: Para [0032] Line 3 – 4));

at said receiver determining whether a received privacy policy is acceptable (Koike : Para [0021] Line 7 – 10); and

if acceptable, selecting from the receiver's store the usage data identified in the privacy policy and transmitting the usage data to the sender of the privacy policy (Koike : Para [0021] Line 7 – 10: provide / transmit the privacy usage data of the user to the server upon the successful comparison between the privacy policy of the server and the privacy preference of the user).

As per claim 2, Koike teaches the receiver presents a received privacy policy to a user, and acceptance or otherwise of said policy is determined by user input (Koike : Para [0040]).

As per claim 3 and 11, Koike teaches the receiver formats the received privacy policy prior to presentation to the user (Koike : Para [0040]: present in a form of inquiry to the user).

As per claim 4 and 12, Koike teaches the receiver stores privacy policy preference data for a user and, based on the same, determines automatically whether a received privacy policy is acceptable (Koike : Para [0036] Line 7 – 10: the controller determines automatically).

As per claim 5, Koike teaches determining acceptance includes a process of negotiation between the receiver user and the sender of the privacy policy (Koike : Para [0006] / [0036] / [0040] / [0147]: a negotiation process represents mutual agreements between the server and the user with respect to the privacy policy and privacy preference).

As per claim 6 and 13, Koike teaches a received privacy policy may be partly accepted, with only a part of the requested usage data being transmitted as a result (Koike : Para [0147] : not including all personal private information in all situations).

As per claim 7 and 14, Koike teaches the receiver removes direct identifiers for the user from the usage data prior to transmitting to the sender of the privacy policy (Koike : Para [0147] : the email address may be removed).

As per claim 10, Koike teaches an output device wherein the control means presents a received privacy policy to a user (Koike : Para [0040] and [0041]), and user input means by operation of which a user determines acceptance or otherwise of said policy (Koike : Para [0040]: based on the determination from the user terminal device).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nilsson et al. (U.S. Patent 2003/0041100), in view of Blasko (U.S. Patent 2001/0049620).

As per claim15 (and 8), Nilsson does not disclose expressly the broadcast receiver is a broadcast television receiver.

Blasko teaches the broadcast receiver is a broadcast television receiver (Blasko : Para [0083] / [0116] : a technique of digital cable television and set-top box is a also conditional access broadcast services and access technique).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Blasko within the system of Nilsson because (a) Nilsson teaches protecting the user privacy between the server and the user based on the privacy policy and privacy preference (Nilsson : Para [0005], Para [0015], Para [0006], Para [0027] and Para [0014]) and (b) Blasko teaches that the user privacy can be protected at many different levels, e.g., complete anonymous or based on the P3P agent that provides security and protects user private information such as name, address, or telephone number in accordance with the W3C Platform for Privacy Preferences Project (P3P) standards to negotiate access to data in the P3P data set in a targeted advertising environment such as broadcast television environment (Blasko : Para [0066] / [0006] / [0089] / [0092] / [0094]).

6. Claims 8 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koike et al. (U.S. Patent 2003/0084300), in view of Blasko (U.S. Patent 2001/0049620).

As per claim15 (and 8), Keiko does not disclose expressly the broadcast receiver is a broadcast television receiver.

Blasko teaches the broadcast receiver is a broadcast television receiver (Blasko : Para [0083] / [0116] : a technique of digital cable television and set-top box is a also conditional access broadcast services and access technique).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Blasko within the system of Keiko because (a) Keiko teaches protecting the user privacy between the server and the user based on the privacy policy and privacy preference (Keiko: Abstract) and (b) Blasko teaches that the user privacy can be protected at many different levels, e.g., complete anonymous or based on the P3P agent that provides security and protects user private information such as name, address, or telephone number in accordance with the W3C Platform for Privacy Preferences Project (P3P) standards to negotiate access to data in the P3P data set in a targeted advertising environment such as broadcast television environment (Blasko : Para [0066] / [0006] / [0089] / [0092] / [0094]).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LONGBIT CHAI whose telephone number is (571)272-3788. The examiner can normally be reached on Monday-Friday 9:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 571-272-7589. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Longbit Chai/

Longbit Chai E.E. Ph.D
Primary Examiner, Art Unit 2431
7/9/2009